UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,689	01/30/2001	Haruhisa Sakuma	122.1433	8149

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EXAMINER
DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2135	

MAIL DATE	DELIVERY MODE
07/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/771,689	SAKUMA ET AL.
	Examiner	Art Unit	
	Beemnet W. Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 April 2007*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7,12-19,21-27 and 29-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5,7,12,14-16,18,19,21,23,24,26,27,29 and 31-33* is/are rejected.

7) ☒ Claim(s) *4, 13, 17, 22, 25 and 30* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in reply to an amendment filed on April 30, 2007. Claims 1-5, 12, 14,

16-18, 21, 23-26, 31and 33 have been amended, claims 6, 8-11, 20 and 28 have been

cancelled and new claim 34 has been added. Claims 1-5, 7, 12-19, 21-27 and 29-34 are

pending.

Response to Arguments

2.   Applicant's arguments filed April 30, 2007 have been considered but are moot in view of

the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-3, 5, 7, 12, 14-16, 18, 19, 21, 23-24, 26, 27, 29 and 31-34 are rejected under

35 U.S.C. 103(a) as being unpatentable over Katoh et al. US 7,178,167 b1 (hereinafter Katoh)

in view of Clark US Patent 4,636,622.

5.   As per claims 1, 14, 23 and 34, Katoh teaches an electronic apparatus having a display,

comprising:

a first memory provided within said electronic apparatus (i.e., for example, ROM 51 of

figure 1), storing therein parameters which are set by a user authorized to access said

electronic apparatus and representing conditions at which information is to be acquired, wherein

said conditions include when a power supply for said electronic apparatus is turned on, when a

BIOS setup program installed in said electronic apparatus is activated, when said electronic

apparatus is resumed, and when an illegal password is entered in said electronic apparatus

[column 10, lines 11-44 and figure 1];

a control unit reading out said parameters from said first memory when a user operates

said electronic apparatus, directing acquisition of information, when one or more of said

conditions represented by the read parameters are established and storing in a second memory

the acquired information [column 10, line 53-column 11, line 3, column 12, lines 23-32].

Katoh is silent on a photographic device acquiring image informaaion of a user that

operated the electronic apparatus, **storing image information** acquired by a photographing

device which photographs a user of the apparatus. However, within the same field of endeavor

Clark teaches an identification system wherein user authentication is performed at a computer

station based on stored credentials and if the authentication fails (i.e., condition of stored

parameter for illegal use are established) a photographing device is activated and **a**

photograph of the unauthorized user is taken and recorded (i.e., stored in a memory), and

later the user will be **identified based on at least the recorded photograph** (i.e., image

information about unauthorized user would be displayed) [column 2, lines 5-11, 47-61 and

column 3, lines 18-31, 39-46]. It would have been obvious to one having ordinary skill in the art

at the time of applicant's invention to employ the teachings of Clark within the system of Katoh

in order to enhance security of the system.

6.   As per claim 31-33, Katoh teaches an apparatus comprising:

A display [figure 1];

controller determining when conditions are established, the conditions including when a

power supply for the apparatus is turned on, when BIOS setup program installed is the

apparatus is activated, when the apparatus is resumed, and when an illegal password is

entered in the apparatus [column 10, lines 11-44 and figure 1];

Katoh is silent on a photographic device acquiring image informaaion of a user that

operated the electronic apparatus, **storing image information** acquired by a photographing

device which photographs a user of the apparatus. However, within the same field of endeavor

Clark teaches an identification system wherein user authentication is performed at a computer

station based on stored credentials and if the authentication fails (i.e., condition of stored

parameter for illegal use are established) a photographing device is activated and **a**

photograph of the unauthorized user is taken and recorded (i.e., stored in a memory), and

later the user will be **identified based on at least the recorded photograph** (i.e., image

information about unauthorized user would be displayed) [column 2, lines 5-11, 47-61 and

column 3, lines 18-31, 39-46]. It would have been obvious to one having ordinary skill in the art

at the time of applicant's invention to employ the teachings of Clark within the system of Katoh

in order to enhance security of the system.

7.   As per claims 2, 15 and 26, Clark further teaches the apparatus wherein said control unit

displays the acquired image information read out from the memory in accordance with an output

direction [column 2, lines 5-11, 47-61 and column 3, lines 18-31, 39-46].

8.   As per claims 3, 5, 16, 18 and 24, Katoh further teaches the apparatus wherein said

control unit directs a BIOS setup program to read out said parameters in said first memory and

to record information in second memory [column 10, lines 11-44 and figure 1].

9.   As per claims 7, 19 and 27, Katoh further teaches, the apparatus wherein information is

recorded in said second memory [column 10, lines 11-44 and figure 1].

10.   As per claims 12, 21 and 29, Clark further teaches the apparatus wherein an image

information acquiring format and writing mode are selected, set and stored in said first memory

[column 2, lines 5-11, 47-61 and column 3, lines 18-31, 39-46].

Allowable Subject Matter

11.   Claims 4, 13, 17, 22, 25 and 30 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the limitations

of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
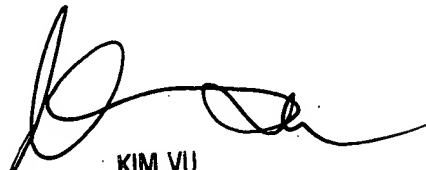
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

July 19, 2007

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100